vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.804 OF 2005
IN
SUMMONS FOR JUDGMENT NO.228 OF 2004
IN
SUMMARY SUIT NO.172 OF 2003

Harilal & Co. ... Plaintiff

V/s.

Supreme Hi-Tech Engineering Services Ltd. ... Defendant

Mr.C.D. Patel i/b A.A. jain for Plaintiff
None for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 15, 2006**

P.C.:

. The Plaintiff has filed this Notice of Motion for restoration of the Summons for Judgement which was dismissed on 15.2.2005. The affidavit in support of the Motion indicates that when the matter appeared before this Court on 25.1.2005, the Defendants sought an adjournment to explore the possibilities of settlement. It appears that the matter then came up on Board on 8.2.2005 and did not reach hearing for three days. However, when it reached for hearing on 15.2.2005, the advocate for the Plaintiff was not able to attend the Court.

2. In my view, the Motion can be restored for the reasons set out in the affidavit in support of the Motion. The Defendants are not present, although served, as can be seen from the affidavit of service.

3. Motion is allowed subject to payment of costs of Rs.5,000/- payable to the Maharashtra State Legal Services Authority.